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Plans for Electronic Filing in King County

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King County Superior Court has been working for several years on its Electronic Court Records (ECR) Program, which replaces the cumbersome, labor-intensive, paper-based case-file system previously used, with electronic records. In its simplest form, the King County ECR Program was one of the first efforts in the country to move to fully electronic records. The official court record in King County is now maintained in electronic form (with limited exceptions) and is accessed by attorneys and the public by using terminals located in each of the clerk's office locations. Judicial officers access the electronic court record from PCs on the bench and in chambers. Documents are processed by the clerk's office staff by routing through electronic "workflows" instead of passing paper documents throughout the office.

The final phase of the ECR Program, electronic filing (e-filing), will have the most impact on the court's biggest customer group: attorneys and their staff. E-filing is the electronic delivery of court filings to the clerk via the Internet. For attorneys and staff who prepare their court documents in electronic form with e-filing, documents can be delivered to the court without the need to travel or send a courier to the courthouse.

Even in its current electronic form, the filing routine for documents submitted to a superior court case file is time-consuming and somewhat redundant. The document to be submitted is generally created on a personal computer at your firm, using Word or some other common word-processing software. The document is printed and signed, copies are made, and the original is delivered to the courthouse either by a firm employee or by a contracted service provider, such as a legal messenger. At the clerk's office, staff check the document for a case number, caption, and GR 14 compliance, and then disassemble the document, run it through a scanner, review the newly recreated electronic document (.tff file) for quality control, and associate the imaged document with the correct electronic file. Once linked to the correct case file, the document is publicly accessible and ready for docketing and internal-workflow processing within the clerk's office.

You can easily imagine the benefits that electronic filing will bring to this routine. Following preparation of the document in your office, it will be sent electronically to the clerk's office, eliminating the delivery steps by your office and the scanning and docketing steps by the clerk's office.

E-Filing Plans in King County

Preliminary operating rules for e-filing are under discussion by the E-Filing Steering Committee, made up of representatives from the King County Superior Court, Washington State Bar Association, King County Bar Association, King County Information Technology Department, King County Clerk's Office, Washington State Supreme Court Clerk, and Administrative Office of the Courts. These rules take into account new state court Rule GR 30—Electronic Filing—recently adopted by the Supreme Court. The operating rules, upon which tentative agreement has been reached, include the following:

- Documents will be submitted electronically for filing via a website.
- The filer will apply to receive a password and personal identification number (PIN).
- The password and PIN will be used to identify the filer, and will act as an electronic authentication

for electronically filed documents.

- Documents for e-filing must be in PDF format. This is the same format required by federal courts. The clerk's office will also be developing XML-based "forms" that are filled out on the filing website; it is anticipated that these forms will be primarily used by pro se filers for internal clerk's office filings such as clerk's minutes, and for specific documents filed by county criminal-justice agencies such as the prosecutor's office.
- All documents submitted for filing via the e-filing website will be transmitted using a secure transmission. When appropriate, these documents should be marked as "sealed" by the filer, using the same methods as those used for paper documents.
- Filers will receive an electronic submission "receipt" via the e-filing website. This is the equivalent of the "received" stamp filers can use to stamp their copies of documents in the clerk's office. The clerk's office will not keep an electronic record of the "receipt." It will be the filer's responsibility to keep a copy (electronic or paper) for their records.
- Filers will be able to correct online a document that has been e-filed with an invalid cause number, without being charged a faulty-document fee. Filers will also be able to fill in any missing information required for submitting a filing electronically, such as a missing case number or document title. If, during subsequent processing by the clerk's office, other errors are found, the document will be returned to the filer using the same processes used today. The filer will have the option of having the document returned via e-mail or U.S. mail.
- The clerk's office hours (8:30 a.m. to 4:30 p.m.) will continue to be used for electronically filed documents in order to address access-to-justice issues that might be raised by extending those hours only for e-filing. Filers will be allowed a short amount of time to correct errors and still get "credit" for submitting their filing when they first press the "submit" button on the website. After that, their submission will be considered received at the time the errors were corrected.
- The e-filing website will be available at all times, including when the clerk's office is closed. The only exception will be for scheduled maintenance (scheduled in advance and communicated via the website to filers). The other exception will be if the filing website goes down due to a technical error that occurs outside of business hours; in such case, the problem will be fixed as quickly as possible during clerk's office hours. This is not anticipated to be a frequent occurrence, but does emphasize the importance of not using e-filing as a way of submitting documents at the last possible moment.
- There are plans to allow for a direct interface so that a firm could submit a batch of a large number of documents for filing directly from their document-management system. This interface will be based on the standards being developed by the OASIS Legal XML Electronic Court Filing Technical Committee. For more information, see www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-court filing. This same interface would also allow an electronic-filing service provider (EFSP) to submit filings on behalf of an attorney.

E-Filing Availability in King County

King County restarted the e-filing project with a new vendor in July 2003, with an e-filing pilot project planned for summer 2004. Although specific plans for pilots have not been finalized, it is anticipated that there may be several concurrent pilots—private bar, pro se, internal clerk's filings, and a county criminal-justice partner agency. The private-bar pilot will include attorneys from small, medium, and large firms. Pleadings in existing active litigation cases will be filed by those firms for several months, allowing for helpful feedback prior to broader expansion of the pilot. During the pilot phase, only registered pilot participants will be allowed to e-file.

Lessons learned through the pilot projects will be used to modify the e-filing system as needed before making it available to all filers. It is anticipated that our e-filing system will be available to all filers in fall 2004.

Part of this last phase of the ECR Program is providing access to electronic court-case files via the

Internet. This remote access to ECR will allow attorneys and their staff to view case records from the convenience of their office, without a trip to the courthouse. This is a feature of our court's ECR Program that has been anxiously awaited by attorneys for several years. Stay tuned for more information on this part of the project.

Definitions

.tff file: A TIFF (Tagged Image File Format) file, commonly used for images of paper documents created through scanning. This file format is created when paper filings are scanned into the ECR system.

PDF: Portable Document Format, a widely used format, developed by Adobe Systems, Inc., that preserves the look and page structure of documents in paper form. Software tools are available from Adobe and other companies to convert documents from word-processing or image-file formats into PDF form. Costs range from \$0 to \$500, depending on the program and source.

XML: Extensible Markup Language, a metalanguage for designing a markup language that "tags" information in documents to identify information types and relationships for automated processing by computer-software programs. The "tags" are not visible to the person using an XML-based form—they are used by the software programs that create and process the form. King County expects to process standardized XML-formatted filings with a greater degree of efficiency and speed, thanks to automation that XML enables.

OASIS: Organization for the Advancement of Standardized Information Systems, a workgroup that includes members of the legal, court, vendor, and academic communities. The technical committee is developing specifications for the use of XML to create legal documents and transmit them from an attorney, a party, or a self-represented litigant to a court; from a court to an attorney, a party, a self-represented litigant, or another court; and from an attorney or other user to another attorney or other user of legal documents. The work of this group is reviewed by the National Consortium for State Court Automation Standards (includes a public comment period), and COSCA (Conference of State Court Administrators)/NACM (National Association for Court Managers) (includes a second public-comment period). COSCA/NACM then recommends the standards for approval by the Conference of Chief Justices (CCJ). It is anticipated that the CCJ will then direct the state courts to use the standards.

OASIS Legal XML Electronic Court Filing Technical Committee: The electronic court-filing technical committee of the legal XML member section of the Organization for OASIS.

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<http://www.wsba.org/media/publications/barnews/2003/sept-03-sherfey.htm>